



भारत का राजपत्र

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n. 40] NEW DELHI, SATURDAY, OCTOBER 6, 1984/ASVINA 14, 1906

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (B)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किये गये सांविधिक आदेश और अधिसूचनाएं
Mandatory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

वित्त मंत्रालय
(राजस्व विभाग)

नई दिल्ली, 13 सितम्बर, 1984
(आय-कर)

Subramanya Temple, Pariharapuram, Ramanattukara (Kerala)
to be a place of public worship of renown throughout
State of Kerala.

[No. 5977/F. No. 176/42/84-I
R. K. TEWARI, Under-

का० आ० 3142.—आयकर अधिनियम, 1961
(1961 का 43) की धारा 80-छ की उपधारा (2)(ख)
द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार,
एतद्वारा, उक्त खंड के प्रयोजनार्थ "वि. सुब्रमण्य टैम्पल,
परिहारपुरम, रामनाटुकारा (केरल)" को समस्त केरल राज्य
में विख्यात सार्वजनिक पूजा स्थल के रूप में अधिसूचित
करती है।

[सं० 5977/का० सं० 176/42/84-आ० क० (नि०-1)]

आर० के० तिवारी, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 13th September, 1984

(INCOME-TAX)

S.O. 3142.—In exercise of the powers conferred by sub-
section (2)(b) of Section 80-G of the Income-tax Act, 1961
(43 of 1961), the Central Government hereby notifies "The

केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड

नई दिल्ली 29 सितम्बर, 1984

सं० 242/84-सीमाशुल्क

का० आ० 3143.—केन्द्रीय उत्पाद-शुल्क और
शुल्क बोर्ड सीमा-शुल्क अधिनियम, 1962 (1962
की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए
राज्य में जिना भट्टी के अंतर्गेष्वर तालुक
इंडस्ट्रियल डेवलपमेंट कारपोरेशन, अंकनेश्वर क्षेत्र
गारण केन्द्र के रूप में घोषित करता है।

[का० सं० 473/87/83-र

टी० एन० के० गौर

CENTRAL BOARD OF EXCISE AND CUSTOMS

New Delhi, the 29th September, 1984

No. 242/84 CUSTOMS

S.O. 3143.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Gujarat Industrial Development Corporation area at Ankleshwar in Taluka Ankleshwar of District Bharuch in the State of Gujarat to be a warehousing station.

[F. No. 473/87/83-CUS. VII]

T. H. K. GHURI, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 18 सितम्बर, 1984

का० आ० 3144.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) योजना, 1970 के खंड 3 के उपखंड (घ) के अनुसरण में, केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श के पश्चात् श्री अरविंद बासप्पा जत्ती, "शिवानन्द," 224, बेलारी रोड, बंगलूर को एतद्वारा 18 सितम्बर 1984 से जमाकर्ताओं के हितों का प्रतिनिधित्व करने के वास्ते, बैंक ऑफ महाराष्ट्र के एक निदेशक के रूप में नियुक्त करती है।

[संख्या एफ० 9/10/83-बी० ओ-1]

च० वा० मोरचन्दानी, निदेशक

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 18th September, 1984

S.O. 3144.—In pursuance of sub clause (d) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Arvind Basappa Jatti, 'Shivanand', 224, Bellary Road, Bangalore as a Director of the Bank of Maharashtra with effect from September 18, 1984 to represent the interests of depositors.

[No. F. 9/10/83-BO.1]

C. W. MIRCHANDANI, Director

(व्यय विभाग)

नई दिल्ली, 19 सितम्बर, 1984

का० आ० 3145.—राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 34 के साथ पठित, नियम 9 के उपनियम (2), नियम 12 के उपनियम (2) के खंड (ख) और नियम 24 के उपनियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वित्त मंत्रालय (व्यय विभाग) की अधिसूचना सं० का० नि० आ० 639, तारीख 28 फरवरी, 1957 में निम्नलिखित और संशोधन करते हैं, अर्थात्:—

उक्त अधिसूचना की अनुसूची में भाग 1 में जो साधारण केन्द्रीय सेवा समूह "ख" से संबंधित है, शीर्षक "भारत के

नियंत्रक-महालेखापरीक्षक का कार्यालय" के अन्तर्गत, स्तंभ, 1 में:—

(क) "ऊपर उप नियंत्रण-महालेखापरीक्षक के वरिष्ठ निजी सहायक, "शब्दों के स्थान पर "वरिष्ठ निजी सहायक" शब्द रखे जाएंगे।

(ख) इस प्रकार प्रतिस्थापित "वरिष्ठ निजी सहायक" शब्दों के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:—

"सहायक प्रशासन अधिकारी"।

[फा० सं० सो-11021/3/84-ई०जी० 1]

के० एल० मेहता, अवर सचिव

टिप्पणी:—(1) मूल अधिसूचना सं० का० नि० आ० 639, तारीख 28-2-1957 की अनुसूची का० आ० 4049 दिनांक 10-12-1979 द्वारा जो भारत के राजपत्र दिनांक 22-12-79 में प्रकाशित हुई थी, पहले प्रतिस्थापित की गई थी, और

(2) इस अनुसूची को का० आ० 506 तारीख 6-2-1984 द्वारा, जो भारत के राजपत्र दिनांक 18-2-1984 में प्रकाशित हुआ था संशोधित किया गया था।

(Department of Expenditure)

New Delhi, the 19th September, 1984

S.O. 3145.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (i) of rule 24, read with rule 34 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the notification of the Ministry of Finance (Department of Expenditure) No. S.R.O. 639, dated the 28th February, 1957, namely:—

In the Schedule to the said notification in Part I relating to General Central Service Group 'B', under the heading "Office of the Comptroller and Auditor-General of India", in column 1,—

(a) for the words and abbreviations "Senior Personal Assistants to the Addl. Deputy Comptroller and Auditor-General", the words "Senior Personal Assistant" shall be substituted;

(b) after the words "Senior Personal Assistant" as so substituted, the following shall be inserted, namely:—

"Assistant Administrative Officer."

[File No. C-11021/3/84-EG.1]

K. L. MEHTA, Under Secy.

Note: (i) The Schedule to the original notification S.R.O. 639 dated 28-2-1957 was substituted by S.O. 4049 dated 10-12-1979 published in the Gazette of India, Part II, Section 3(ii) dated 22-12-1979; and

(ii) The Schedule was further amended by S.O. 506, dated 6-2-1984, published in the Gazette of India, Part II, Section 3(ii) dated 18-2-1984.

वाणिज्य मंत्रालय

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

नई दिल्ली, 19 सितम्बर, 1984

आदेश

का० आ० 3146.—सर्वश्री प्रोजेक्ट्स एंड इक्विपमेंट कारपोरेशन आफ इंडिया, लि० “हंसालय” 15, बाराखम्बा रोड, नई दिल्ली-110001 को नए मुद्रण संयंत्रों या मुद्रण संयंत्रों के विस्तार और पुनः निर्माण के लिए जी डी आर व्यापार योजना, 1982 के अधीन फालतू पुर्जों के लिए संलग्न सूची के अनुसार फालतू पुर्जों सहित मुद्रण मशीनरी के आयात के लिए एक आयात लाइसेंस सं० जी/टी/2434413, दिनांक 25-2-83 मूल्य 2,00,00,000/- रु० प्रदान किया गया था।

2. दि प्रोजेक्ट्स एंड इक्विपमेंट कारपोरेशन ऑफ इंडिया लि०, नई दिल्ली ने उपर्युक्त लाइसेंस (दोनों प्रतियों) अनुलिपि प्रति के लिए इस आधार पर आवेदन किया है कि मूल लाइसेंस सीमाशुल्क प्राधिकारी के पास पंजीकृत करवाए बिना खो गया है और उसका बिल्कुल भी उपयोग नहीं हुआ है। दि प्रोजेक्ट्स एंड इक्विपमेंट कारपोरेशन ऑफ इंडिया, लि०, नई दिल्ली इस बात से सहमत हैं और बचन देता है कि यदि मूल आयात लाइसेंस बाद में मिल जाता है तो वह उसे कार्यालय के रिकार्ड के लिए वापिस कर देगा।

3. आयात-निर्यात क्रियाविधि पुस्तक, 1984-85 के अध्याय-5 के पैरा -353 की शर्तों के अनुसार दि प्रोजेक्ट्स एंड इक्विपमेंट कारपोरेशन ऑफ इंडिया लि०, नई दिल्ली ने एक शपथ-पत्र दाखिल किया है। अधीनस्ताक्षरी संतुष्ट है कि मूल आयात लाइसेंस सं० जी/टी/2434413, दिनांक 25-2-83 खो गया है और निदेश देता है कि आवेदक को अनुलिपि लाइसेंस (दोनों प्रतियाँ) जारी किया जाए। मूल आयात लाइसेंस (दोनों प्रतियाँ) रद्द कर दिया गया है।

4. आयात लाइसेंस की अनुलिपि प्रति (दोनों प्रतियाँ) अलग से जारी की जा रही हैं।

[मि० सं० एसटीसी/जीडीआर/19/82-83/जीएलएस]

पाल बेक, उप मुख्य नियंत्रक, आयात-निर्यात

कृते मुख्य नियंत्रक आयात निर्यात

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports & Exports)

New Delhi, the 18th September, 1984

ORDER

S.O. 3146.—The Projects and Equipment Corporation of India Ltd., ‘Hansalaya’ 15, Barakhamba Road, New Delhi-110001 was granted an import licence No. G/T/2434413 dated 25-2-83 for Rs. 2,00,00,000 only for the import of Printing Machinery for new Printing Plants or for reconstruction and expansion of Printing Plants, including spare parts as per list attached under GDR Trade Plan, 1982.

2. The Projects and Equipment Corporation of India Ltd., New Delhi have now requested for issue of duplicate import licence (both copies) of the above licence on the ground that

the original import licence has been lost without being registered with any Customs authority and utilised at all. The Projects and Equipment Corporation of India Ltd., New Delhi agrees and undertakes to return the original import licence, if traced later on to this office for record.

3. In support of their contention the Projects and Equipment Corporation of India Ltd., New Delhi, have filed an affidavit as required in terms of Para 353 of Chapter XV of Hand Book of Import-Export Procedures for 1984-85. The undersigned is satisfied that the original import licence No. G/T/2434413 dated 25-2-83 has been lost and directs that duplicate licence (both copies) may be issued to the applicant. The original import licence (both copies) has been cancelled.

4. The duplicate licence (both copies) of the Import Licence is being issued separately.

[F. No. STC/GDR/19/82-83|GLS]

PAUL BECK, Dy. Chief Controller of Imports & Exports,
for Chief Controller of Imports & Exports.**इस्पात और खान मंत्रालय**

(इस्पात विभाग)

नई दिल्ली, 20 सितम्बर, 1984

का० आ० 3147.—केन्द्रीय सरकार, इंडियन आयरन एंड स्टील कंपनी (भूयों का अर्जन) अधिनियम, 1976 (1976 का 89) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा श्री डी० के० घोष, भा० प्र० से०, लोहा और इस्पात नियंत्रक, कलकत्ता को उनके कर्तव्यों के अतिरिक्त, 31 मार्च, 1983 (अपराह्न) से संदाय आयुक्त नियुक्त करती है। उनकी नियुक्ति श्री पी० के० सरकार के स्थान पर की गयी है जिन्होंने 31 मार्च, 1983 (अपराह्न) से अपने पद का कार्यभार छोड़ दिया था।

[मिसिल सं० 16(1)/84-आईटी(आई)]

प्रदीप बैजल, संयुक्त सचिव

MINISTRY OF STEEL AND MINES

(Department of Steel)

New Delhi, the 20th September, 1984

S.O. 3147.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Indian Iron and Steel Company (Acquisition of Shares) Act, 1976 (89 of 1976) the Central Government hereby appoints Shri D. K. Ghosh, IAS, Iron and Steel Controller, Calcutta as the Commissioner of Payments in addition to his duties with effect from 31st March, 1983 (afternoon) vice Shri P. K. Sarkar who relinquished charge on the 31st March, 1983 (afternoon).

[F. No. 16(1)/84-IT(I)]

PRADIP BAJAL, Jt. Sec.

ऊर्जा मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 11 सितम्बर, 1984

का० आ० 3148.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय (पेट्रोलियम

विभाग) की अधिसूचना का० आ० सं० 4448 तारीख 12-10-83 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाईप लाइन को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और, यतः, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और, आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है, कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और, आगे, उस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड बंबई के क्षेत्रीकरण में सभी बाधाओं से मुक्त रूप में इस घोषणा के प्रकाशन की तारीख से निहित होगा।

एल० ए० केम नम्बर 37/84 पृष्ठ क्रमांक 1

अनुसूची

पाईप लाईन चहौली गांव से, तालुका :—हवेली, जिला :—पुणे, महाराष्ट्र

गांव	खसरा नंबर	हिस्सा नंबर	क्षेत्रफल	हेक्टर	एयर
1	2	3	4	5	
चहौली	134 का भाग	—	00	47	
चहौली	302	—	00	25	
चहौली	303	—	00	20	
चहौली	305	—	00	19	
चहौली	306	—	00	02	
चहौली	307	—	00	36	
चहौली	309	—	00	47	
चहौली	352	—	00	45	
चहौली	353	—	00	22	
चहौली	406	—	00	47	
चहौली	407	—	00	01	
चहौली	408	—	00	39	
चहौली	409*	—	00	45	
चहौली	410	—	00	36	

1	2	3	4	5
चहौली	414	का भाग	—	00 12
चहौली	428	"	—	00 22
चहौली	430	"	—	00 34
चहौली	431	"	—	00 02
चहौली	432	"	—	00 18
चहौली	433	"	—	00 19
चहौली	435	"	—	00 27
चहौली	443	"	—	00 39
चहौली	444	"	—	00 52
चहौली	445	"	—	00 34
चहौली	668	"	—	00 39
चहौली	669	"	—	00 25
चहौली	670	"	—	00 41
चहौली	711	"	—	00 09
चहौली	712	"	—	00 20
चहौली	713	"	—	00 23
चहौली	714	"	—	00 45
चहौली	718	"	—	00 13
चहौली	719	"	—	00 07
चहौली	736	"	—	00 22
चहौली	737	"	—	00 09
चहौली	738	"	—	00 09
चहौली	739	"	—	00 68
चहौली	798	"	—	00 17
चहौली	799	"	—	00 13
चहौली	800	"	—	00 14
चहौली	803	"	—	00 16
चहौली	804	"	—	00 38
चहौली	811	"	—	00 32

[क्रमांक O-12016/133/84-प्रोड०]

पी०के० राजगोपालन, डैक्स अधिकारी

MINISTRY OF ENERGY

(Department of Petroleum)

New Delhi, the 11th September, 1984

S.O. 3148.—Whereas by a notification of Government of India in the Ministry of Energy (Department of Petroleum) S.O. 4448 dated 12-10-83 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (5 of 1962) the Central Government declared its intention to acquire the Right of User in the Lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And, whereas, the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And, further, the Central Government has after considering the said report, decided to acquire the right of user in the Lands specified in the Schedule appended to this notification.

Now, therefore, in exercise of the power conferred by Sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification are hereby acquired for laying the pipelines.

And further, in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Hindustan Petroleum Corporation Ltd., Bombay free from all encumbrances.

L.A. Case No. 37/83

Pipeline Passing through Village Charholi Budruk,
Tahsil : Haveli, Dist. : Pune, State : Maharashtra.

Village	Survey No./Gut No.	Hissa No	Area	
			H	R
Charholi Bk.	134	Part	—	00 47
"	302	"	—	00 25
"	303	"	—	00 20
"	305	"	—	00 19
"	306	"	—	00 02
"	307	"	—	00 36
"	309	"	—	00 47
"	352	"	—	00 45
"	353	"	—	00 22
"	406	"	—	00 47
"	407	"	—	00 01
"	408	"	—	00 39
"	409	"	—	00 45
"	410	"	—	00 36
"	414	"	—	00 12
"	428	"	—	00 22
"	430	"	—	00 34
"	431	"	—	00 02
"	432	"	—	00 18
"	433	"	—	00 19
"	435	"	—	00 27
"	443	"	—	00 39
"	444	"	—	00 52
"	445	"	—	00 34
"	668	"	—	00 39
"	669	"	—	00 25
"	670	"	—	00 41
"	711	"	—	00 09
"	712	"	—	00 20
"	713	"	—	00 23
"	714	"	—	00 45
"	718	"	—	00 13
"	719	"	—	00 07
"	736	"	—	00 22
"	737	"	—	00 09
"	738	"	—	00 09
"	739	"	—	00 68
"	798	"	—	00 17
"	799	"	—	00 13
"	800	"	—	00 14
"	803	"	—	00 16
"	804	"	—	00 38
"	811	"	—	00 32

[No. O-12066/133/83-Prod.]

P. K. RAJAGOPALAN, Desk Officer

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 19 सितम्बर, 1984

1. का० आ० 3149—चलचित्र (प्रमाणन) नियम, 1983 के
अनु-3 के साथ गठित चलचित्र अधिनियम, 1952 (1952

का 37) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री टी० मुकुबारामी रेड्डी को तत्काल से अगले आदेश तक फिल्म प्रमाणन बोर्ड का सदस्य नियुक्त करती है।

[फा० सं० 811/11/83-एफ (सी)]

के० एस० वेंकटरामन, अवसर सचिव

MINISTRY OF INFORMATION AND BROADCASTING
New Delhi, the 19th September, 1984

S.O. 3149.—In exercise of the powers conferred by sub-section (1) of section 3 of the Cinematograph Act, 1952 (37 of 1952) read with rule 5 of the Cinematograph (Certification) Rules 1935 the Central Government hereby appoints Shri T. Subbarami Reddy as a member of the Board of Film Certification with immediate effect until further orders.

[File No. 811/11/83-F(C)]

K. S. VENKATARAMAN, Under Secy.

श्रम और पुनर्वासि मंत्रालय

(श्रम विभाग)

नई दिल्ली, 17 सितम्बर, 1984

आदेश

का० आ० 3150:—इससे उपाबद्ध अनुसूची में विनिर्दिष्ट औद्योगिक विवाद श्री फौज महमूद, पीठासीन अधिकारी, मद्रास के समक्ष संबन्धित पड़े हैं :

और श्री फौज महमूद की सेवाएं अब उपलब्ध नहीं रहनी हैं ;

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33-अ की उपधारा (1) के साथ पठित धारा 7 क के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री के० एस० गुरुमूर्ती होंगे, जिनका मुख्यालय मद्रास में होगा और उक्त श्री फौज महमूद, पीठासीन अधिकारी, मद्रास के समक्ष संबन्धित उक्त विवाद के संबद्ध कार्यवाही को वापस लेती है और उसे श्री के० एस० गुरुमूर्ती, पीठासीन अधिकारी, औद्योगिक अधिकरण, मद्रास को इस निवेश के साथ स्थानांतरित करती है कि उक्त अधिकरण आगे कार्यवाही उस प्रक्रम से करेगा, जिस पर वह उसे स्थानांतरित की जाए तथा विधि के अनुसार उसका निपटान करेगा।

अनुसूची

भारत सरकार, श्रम मंत्रालय, नई दिल्ली, के आदेश संख्या और तारीख

सं० एल-42012/83/80-डी-II (बी) मंसर्स द्वावनकोर टिटे-
बिनांक 18 सितम्बर, 1981 नियम प्रोडक्टस लिमि-

टेड और सर्वश्री एन०
बेलाचन्द्रन थम्पी और
पी० सी० भास्करन

[सं० एल-42012/83/80-डी-II (बी)]

हरी सिंह, डेस्क अधिकारी

MINISTRY OF LABOUR & REHABILITATION

(Department of Labour)

New Delhi, the 17th September, 1984

ORDER

S.O.3150.—Whereas the industrial dispute specified in the Schedule hereto annexed is pending before Thiru Fyzez Mahmood the Presiding Officer Madras;

And whereas the services of Thiru Fyzez Mahmood are no longer available;

Now therefore, in exercise of the powers conferred by section 7A read with sub-section (1) of section 33B of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, the Presiding Officer of which shall be Shri K. S. Gurumurthy with headquarters at Madras and withdraws the proceedings in relation to the dispute pending before the said Shri Fyzez Mahmood Presiding Officer, Madras and transfers the same to Shri K.S. Gurumurthy, Presiding Officer, Industrial Tribunal, Madras with the direction that the said Tribunal shall proceed with the proceedings from stage at which they are transferred to it and dispose of the same according to law.

THE SCHEDULE

Number and date of the Order of the Government of India, Ministry of Labour, New Delhi.	Name of the Parties
No. L-42012(83)/80-D.II(B) dated the 18th December, 1981	M/s. Travancore Titanium Products Limited and S/Shri N. Belachandran Thampi and P.C. Bhaskaran

[No. L-42012(83)/80-D. II(B)]
HARI SINGH, Desk Officer

New Delhi, the 17th September, 1984

S.O. 3151.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad in the industrial dispute between the employers in relation to the management of Bhagaband Colliery of Messrs Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 13th September, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 15/83

PRESENT :

Shri J.N. Singh, Presiding Officer.

PARTIES :

Employers in relation to the management of Bhagaband Colliery of M/s. Bharat Coking Coal Ltd.

AND

Their workmen

APPEARANCES :

For the Employers — Shri G. Prasad, Advocate.

For the Union — None

INDUSTRY : Coal

STATE : Bihar

Dated, the 4th September, 1984

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No. L-20012(3)/83-D.III(A) dated the 18th June, 1983.

SCHEDULE

“Whether the demand of the workmen of Bhagaband Colliery of M/s. Bharat Coking Coal Ltd., that Shri Rajendra Pathak should be promoted as Senior Overman from 30-6-78 is justified? If so, to what relief is the said workman entitled?”

2. After filing of the written statements and other formalities the case was fixed for hearing on 18-4-84. From that date none for the union presented themselves for hearing of the case inspite of several fresh notices of hearing issued to them. On the last date also a registered notice was issued to the union to come ready for hearing on 4-9-84. But inspite of it they did not appear.

3. The Reference has become more than a year old. It appears that the union has got no interest in the case and there is now no dispute.

4. In the circumstances a ‘No Dispute’ award is passed.

[No. L-20012(3)/83-D.III(A)]

J. N. SINGH, Presiding Officer

S.O. 3152.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Gokuldih Colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad and their workmen which was received by the Central Government on the 13th September, 1984.

[No. L-20012(337)/83-D.III(A)]

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 22/84

PRESENT :

Shri J. N. Singh, Presiding Officer.

PARTIES :

Employers in relation to the management of Gokuldih Colliery of M/s. Bharat Coking Coal Ltd.

AND

Their workmen

APPEARANCES :

For the Employers — Shri G. Prasad, Advocate

For the workmen — None

INDUSTRY : Coal.

STATE : Bihar.

Dated, the 5th September, 1984

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the above dispute to this Tribunal for adjudication under Order No. L-20012(337)/83-D.III(A) dated the 11th April, 1984.

SCHEDULE

“Whether the demand of the workmen of Gokuldih Colliery of M/s. Bharat Coking Coal Ltd., for placement of Shri Tapan Kumar Saha in Technical and Supervisory Grade-B with retrospective effect is justified? If so, to what relief is the said workman entitled and from what date?”

2. On receipt of this Reference registered notices were issued to both the parties for submission of their written statements. After several adjournments the management filed their written statement on 31-7-84 but the union did not file any written statement. Another notice was again issued to the union on 21-8-84 by way of last chance directing them to appear and file written statement on 4-9-84. But in this date also the union did not take any steps though management was present. The Terms of Reference would show that the dispute was raised by the union who demanded placement of one of their workmen in Technical & Supervisory Grade-B. The onus, therefore, lay on the union to substantiate the demand, but in spite of it no interest was taken by them.

3. It appears that the union now has got no dispute with the management and hence in the circumstances a 'No dispute' award is passed.

J. N. SINGH, Presiding Officer

S.O. 3153.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Sendra Bansjora Colliery of Messrs Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 13th September, 1984.

[No. L-20012(186)/83-D.III.A]

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT NO. 3, DHANBAD

Reference No. 43/83

PRESENT :

Shri J.N. Singh, Presiding Officer.

PARTIES :

Employers in relation to the management of Sendra Bansjora Colliery of M/s. Bharat Coking Coal Ltd.

AND

Their workmen.

APPEARANCES :

For the Employers Shri B. Joshi, Advocate.

For the Union — None

INDUSTRY : Coal

STATE : Bihar

Dated, the 4th September, 1984

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the above dispute to this Tribunal for adjudication under Order No. L-20012 (186)/83-D.III.A dated the 11th November, 1983.

SCHEDULE

"Whether Shri Tipan Turi, a Miner of Sendra Bansjora Colliery in Area V of M/s. Bharat Coking Coal Ltd., Dhanbad really resigned under Voluntary Retirement Scheme to give employment to his son, Surajdeo Turi? If so, is Surajdeo Turi, son, really working against retirement of Tipan Turi? Whether the action of the management of Sendra Bansjora Colliery of M/s. Bharat Coking Coal Limited in terminating the services of Shri Tipan Turi was justified? If not, to what relief is Shri Tipan Turi entitled?"

2. From a perusal of the order-sheet it will appear that on most of the dates the union remained absent and even on the date the union representative was present, he was not ready

and prayed for time. Finally it was fixed for hearing on 4-9-84 on which date the management was represented by their Advocate but the union did not appear nor took any steps.

3. It appears that the union is not interested in the case and there is now no dispute between the parties.

4. In the circumstances a 'No Dispute' award is passed.

J. N. SINGH, Presiding Officer

S.O. 3154.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Muraidih Colliery of Messrs Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 13th September, 1984.

[No. L-20012(77)/83-D.III.(A)]

A. V. S. SARMA, Desk Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT NO. 3 DHANBAD

Reference No. 19/83

PRESENT :

Shri J. N. Singh, Presiding Officer.

PARTIES :

Employers in relation to the management of Muraidih Colliery of M/s. Bharat Coking Coal Ltd.

AND

Their Workman.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workman—Shri B. K. Ghose.

INDUSTRY : Coal

STATE : Bihar

Dated, the 5th September, 1984

AWARD

The Government India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No. L-20012 (77)/83-D.III (A), dated the 6th July, 1983.

SCHEDULE

"Whether the action of the management of Muraidih Colliery of M/s. Bharat Coking Coal Ltd., Dhanbad in denying Shri Gopal Kumar upgradation to Category-IV is justified? If not, to what relief is the workman entitled and from what date?"

2. On 4-9-84 both the parties have filed a joint petition of compromise duly signed on their behalf and they pray that an award be passed in terms of the settlement.

3. I have gone through the settlement which is beneficial to the workman.

4. In the circumstances the award is passed in terms of the settlement which shall form part of the award.

J. N. SINGH, Presiding Officer

PETITION OF COMPROMISE IN REF. NO. 19/83

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That without prejudice to the respective contentions of the parties contained in the written statement,

they have agreed to settle the dispute on the following terms :—

TERMS OF SETTLEMENT

1. That the concerned workman, Sri Gopal Kumar will be regularised as Cap Lamp Fitter with effect from 1-9-84 and he will be placed in Category IV with effect from that date.
 2. That concerned workman will be given notional seniority as Category IV Caplamp Fitter with effect from 1-1-82 to be considered at the time of promotion only.
 3. That the concerned workman will not claim any back wages or difference of wages.
2. That in view of the settlement there remains nothing to be adjudicated.

It is therefore, humbly prayed that the settlement may kindly be accepted and award may be passed in terms of the settlement.

Signature of

Representing the Management

(V. R. Joshi),

PERSONNEL MANAGER,

BARORA AREA
(M. K. SINGH),

Sr. Personnel Officer,
Barora Area.

Signature of
Representing the Workmen/Union
(U. P. Singh),

JANTA MAZDOOR SANGH
(B. K. Ghosh),

Auth. Representative
JANTA MAZDOOR SANGH

नई दिल्ली, 27 जून, 1984

आदेश

का०आ० 3155.—केन्द्रीय सरकार की राय है कि इससे उपाखण्ड अनुसूची में विनिर्दिष्ट विषय के बारे में भारतीय खाद्य निगम से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री आर्च० पांडु रंगा राव होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या भारतीय खाद्य निगम, कुरुनूल के प्रबन्ध तंत्र की भारतीय खाद्य निगम की राजपत्र अधिसूचना दिनांक 4-2-76 के अनुसार, श्री एच० हासन रशीद, भूतपूर्व चौकीदार के

सम्बन्ध में रोजगार कार्यालय द्वारा भेजे गये अभ्याचियों के साथ नियुक्ति के लिए विचार न करने की कार्यवाही न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है?

[फा० सं० एल-42012/15/83-डी-4 बी/डी-5]

New Delhi, the 27th June, 1984

ORDER

S.O. 3155.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Food Corporation of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Pomdu Ranga Rao shall be the Presiding Officer with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the management of the Food Corporation of India, Kurnool, is justified in not considering Shri H. Haroon Rasheed, ex-watchman, for appointment alongwith the Employment Exchange sponsored candidates as per gazette notification, dated 4-2-1976, of the Food Corporation of India? If not, to what relief the workman is entitled?”

[No. L-42012(15)/83-D.IV. B/D.V]

नई दिल्ली, 21 जुलाई, 1984

आदेश

का०आ० 3156.—केन्द्रीय सरकार की राय है कि इससे उपाखण्ड अनुसूची में विनिर्दिष्ट विषय के बारे में भारतीय खाद्य निगम, मद्रास से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री के० एस० रामामूर्ति होंगे, जिनका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या भारतीय खाद्य निगम, मद्रास के प्रबन्धतंत्र की एफ० सी० आर्च०, शाओलावरम में छटनी किये गये एन० एस०आर० कर्मकार श्री वी० रामादेवन की पुनः रोजगार के लिये उसे अवसर न देने की कार्यवाही न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है?”

[सं० एल० 42012/5/83-डी-4 (बी)/डी०बी०]

New Delhi, the 21st July, 1984

ORDER

S.O. 3156.—Whereas the Central Government is of opinion that an Industrial dispute exists between the employers in relation to the FCI, Madras and their workmen in respect of the matter specified in the Schedule hereto annexed ;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by Section 1A, and clause (d) of sub-section (1) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri K. S. Kama Murthy shall be the Presiding Officer with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of Food Corporation of India, Madras in not giving opportunity to offer himself for re-employment to the retrenched NMR workman, Shri V. Ramadevan at FCI, Shaolavaram is justified ? If not, to what relief is the workman concerned entitled ?”

[No. L-42012(5)/83-D.IV.B./D.V]

नई दिल्ली, 17 सितम्बर, 1984

शुद्धिपत्र

कां.अं. 3157.—तारीख 1-7-1983 के आदेश संख्या एल-42012/5/83-डी-4 (बी)/डी-5 के प्रस्तावना के पैरा 3 में “श्री के. एस. रामामूर्ति” के नाम के स्थान पर “श्री के. एस. गुरुमूर्थी” पढ़ा जाय।

[एल-42012/5/83-डी-4 (बी)/डी-5]

एस० एस० मेहता, डेस्क अधिकारी

New Delhi, the 17th September, 1984

CORRIGENDUM

S.O. 3157.—In para 3 of the Preamble of Order No. L-42012(5)/83-D.IV (B)/D.V dated 21-7-1983 the name “Shri K. S. Ramamurthy” may be read as “Shri K. S. Gurumurthy”.

[No. L-42012(5)/83-D.IV (B)/D.V]

S. S. MEHTA, Desk Officer

New Delhi, the 19th September, 1984

S.O. 3158.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the Union Bank of India, Chandigarh and their workmen, which was received by the Central Government on the 10-9-84.

[No. L-12012/65/82-D.II(A)]

S. S. MEHTA, Desk Officer

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,

CHANDIGARH

Case No. I. D. 133/83 (N. Delhi) 100 of 1983 (Chandigarh)
PARTIES :

Employers in relation to the management of Union Bank
of India.

AND

Their Workman—Shri C. K. Aggarwal.

APPEARANCES :

For the Employers—Shri Gopal Mahajan.

For the Workman—Shri Vinod Kumar Sharma.

850 GI/84—80

AWARD

Dated, the 31st of August, 1984

The Central Government Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, hereinafter referred to as the Act, per their Order No. L-12012/65/82-D.II (A) dated the 31st of August, 1982 read with S.O. No. S-11025 (2)/83 dated the 8th of June, 1983 referred the following Industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Union Bank of India in imposing the punishment of stoppage of one increment with permanent effect as per memorandum dated 29-1-79 on Shri C. K. Aggarwal, Clerk-cum-Cashier, Nimbi Branch is justified ? If not, to what relief is workman concerned entitled ?”

2. To trace a short history of the matter, on 11-7-75 the petitioner/workman was working as a Clerk-cum-Cashier at the Sonapat branch of the Respondent Bank and Shri S. S. Seth was the Branch Manager, obviously he was his immediate boss and the controlling officer. As a part of his official function Shri Seth asked the petitioner to prepare a transfer set of Rs. 500 from S. B. A/c No. 687 to S.B. A/c No. 485 but the latter refused compliance on the pretext that there was no written instruction from the customer.

3. For the obvious reason, Shri Seth felt uneasy and reported the incident to the Regional Manager who ordered for charge sheeting the petitioner on the ground of gross-misconduct due to disobedience of the orders of his superior; in the same sequence Shri Gursharan Singh was appointed as the Enquiry Officer. The petitioner joined the Enquiry proceedings and on controverting the allegations raised against him, pleaded that the Branch Manager Shri Seth was biased against him due to his Trade Union activities and that with a view to spoil his career he wanted to put him in an embarrassing situation by recording a debit entry in some body's Account without caring to issue written orders. It was further averred that under the Business-rules no oral request could be considered for making a debit entry in a customer's Account.

4. On completion of the Enquiry Proceedings, in which the petitioner was duly joined and afforded due opportunity to rebut the charge, Shri Gursharan Singh held him guilty. Consequently the impugned punishment, i.e. stoppage of one permanent increment, was imposed on the petitioner, feeling aggrieved against which he raised an Industrial dispute through his Union but since the issue could not be settled amicably despite the intervention of the A.L.C. (C) during the Conciliation proceedings, hence the reference.

5. According to the petitioner the entire departmental proceedings stand vitiated due to violation of the principles of natural justice, equity and fair play; that no reasonable opportunity was given to him to understand the implications of the charge, to rebut the same and to lead his defence; moreover the Enquiry Officer was also prejudiced against him because of the influence of Shri Seth as would be evident from the very fact that he himself imposed the punishment without caring to record a speaking or reasoned finding of guilt. It was further pleaded that some material witnesses were deliberately withheld by the Bank and the Enquiry Officer erred in not joining them in the proceedings 'suo-moto'. He therefore, prayed for quashing of the findings and order of the Enquiry Officer in toto.

6. Resisting the proceedings on all counts, the management defended the domestic enquiry and orders passed by the Enquiry Officer on the averment that the petitioner was charged on a precise and definite ground, that he was afforded due opportunity to rebut the same and project his own version, that he could also call any person; whom he considered material to depose on the incident; in his defence and that it was none of the business of the Enquiry Officer to run after them. It was asserted that the Enquiry Officer was competent to hold the Enquiry and also to impose the punishment. For the obvious reasons, the allegations of bias or prejudice against the Branch Manager Shri Seth, the Enquiry Officer Shri Gursharan Singh and the Management as a whole, were denied on all counts. As a preliminary

objection validity of the reference was questioned on the plea that the dispute between the parties did not fall within the province of an Industrial dispute.

7. In support of their respective versions both the parties adduced verbal as well as documentary evidence which I have carefully scrutinised and heard them at length.

8. On behalf of the Management it was vehemently argued that the imposition of sentence in the departmental proceedings, on a proved charge of misconduct, is beyond the perview of an Industrial-dispute and as such the entire proceedings before this Tribunal are without jurisdiction.

9. I am afraid, the definition of "Industrial dispute" as laid-down in Section 2(K) of the Act appears to have escaped the attention of the learned Counsel for the better appreciation of the point in issue, it may be reproduced as below, 2(k) "Industrial dispute" means any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person (emphasis supplied).

10. It would, thus, be evident that any dispute or difference between an employer and his Workman-employee connected with the employment or its terms or conditions, squarely falls within the ambit of an Industrial dispute which the Appropriate Government, may, in its discretion, refer to an Industrial Tribunal for adjudication under Section 10 of the Act; and in my considered opinion it would be quite a ludicrous proposition to say that permanent stoppage of an increment does not effect an employee's career.

11. In the same sequence the learned counsel for the Management submitted that the particular Union which had espoused the petitioner's cause later on informed the Tribunal regarding its withdrawal from the contest and thus now there is nothing left to be decided. The submission requires summary rejection because it has already been considered on merits and rejected by me vide my dealed order dated 11-7-84 a copy thereof be attached with this Award as Annexure A.

12. That directly confronts the Tribunal with the real contest between the parties, whose scope stands reduced due to some fair admissions of the petitioner made during the course of his cross-examination on 13-8-1984. To be precise, he conceded that he had no serious objection to validity of the departmental proceedings and that his grouse was limited only to the order of the sentence which, according to him, was motivated because of his Trade Union activities, was quite harsh because of the excessive implication and was disproportionate to the alleged gravity of the charge. As a matter of fact, propriety and validity of the Enquiry proceedings further stand established from the relevant documents Ex. M-1 to M-7 (whose authenticity was admitted by him) and the sworn deposition of the Enquiry Officer Shri Gursharan Singh recorded before this Tribunal. I, therefore, proceed to deal with the question of sentence on sustaining the validity of the domestic enquiry.

13. On behalf of the workman it was rightly argued that irrespective of the departmental authority in favour of Shri Gursharan Singh to impose the sentence, there was failure of a fundamental in the sense that the same very person who held the Enquiry not only proposed but also imposed the sentence without placing the record before an unconcerned person, much less the Appointing Authority, with the result that the petitioner was deprived of an impartial forum. Moreover the only charge against him was that he had refused to comply with the verbal instructions of his Branch Manager for making a debit entry in a customer's Savings Bank Account. As a part of his evidence the petitioner filed a copy of the job card of ledger Keeper vide Ex. W-2 and it goes without saying that, its authenticity was not denied by the Management. A perusal of this document would show that under the normal rules a customer has to make a written request either in the prescribed form or in such other manner which may be acceptable to the Management, for the withdrawal and the debit transactions.

14. On behalf of the management it was submitted that they have a Customer-oriented service and in the back ground of a given Account Holder's conduct, stature and standing in the market the concerned Branch Manager may exercise his discretion in his favour even for a verbal withdrawal; after all it was the Management, rather than the workman, who was answerable to the Customer and as such the petitioner had no business to disobey the instructions of his Branch Manager.

15. Technically speaking, one may not be in a position to join issues with the learned counsel on the aspect of business properties and values but the pertinent point is that in our case the Branch Manager evaded to give written instructions to the petitioner despite his insistence. It may also be worthwhile to note that his assertion of being associated with the Trade Union activities to the discomfiture of the Management, is not controverted by any credible evidence. I do not mean to say that the management was in any way hostile to him, but what I wanted to emphasise was that against such back drop, the petitioner could reasonably entertain some apprehensions while making debt entry in the Account of a customer, merely on the oral asking of his senior officer.

16. Therefore, keeping in view the totality of the situation I think that even a token punishment of warning coupled with the simple loss of an Annual increment would have sufficed to meet the ends of justice. To put it in other words, the quantum of punishment i.e. the permanent stoppage of one increment, is certainly on the harsher side.

17. Thus to conclude with my aforesaid discussion on the limited points raised before me, on sustaining the management's action in its pith and substance i.e. to extent of holding the petitioner guilty of non-compliance of the orders of his Branch Manager, I quash the impugned order of sentence and substitute the same with the loss of one simple increment up to 31-8-1982 i.e. the date of reference; it shall be nationally released w.e.f. 1-9-82 and effectively from the appointed day as envisaged Under Section 17-A of the Act.

18. Award returned accordingly.

Chandigarh,
Dated : 31-8-1984.

I. P. VASISHTH, Presiding Officer

ANNEXURE-A

PRESENT :

Shri Vinod Kumar Sharma for the petitioner/Workman.

Shri Gopal Mahajan for the respdt./Management.

With reference to letter dated 10-3-84 addressed to the Tribunal by the Union Bank Employees Union (Punjab), Shri Mahajan, the learned counsel for the respondent submitted that since the particular Union which raised the issue culminating in the instant reference have expressed their unconditional intention to withdraw from the proceedings, therefore, the matter should be dropped and a "no-dispute" award be returned.

For the obvious reason his contention was opposed by workman and an explanation was projected by the petitioner that formerly the aforesaid Union represented various sections of the Bank Employees working in the States of Punjab, Haryana, Himachal Pradesh, J&K and Chandigarh whereas, now a new branch of the Union has come up for the states of Haryana, H. P. and Chandigarh who per their letter dated 3-4-1984 submitted to this Tribunal have expressed their desire to go ahead with the case.

On hearing the parties, I am not inclined to accede to the request of the Respd., primarily for the reason that the interpretative benefits of a social and welfare legislation like the Industrial Disputes Act deserve to be accorded to a workman rather than to the Management. There is no direct

judicial precedent to support the contention of Shri Mahajan whereas the petitioner's effort finds an echo of acceptability in the ratio of Workmen Journalists of 'Hindu' Madras Vs. Its Management AIR 1961 Madras 370 for the proposition that even if the new Union does not take up his case and the sponsoring Union withdraws from the arena he may be allowed to seek adjudication of his grouse contained in the term of Reference.

Accordingly I reject the prayer of Shri Mahajan and post the case for 8-8-1984 for the petitioner's evidence.

Sd/-

Presiding Officer
Chandigarh.

नई दिल्ली, 21 सितम्बर, 1984

का० आ० 3159.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (6) के उपबन्धों के अनुसरण में भारत सरकार के श्रम और पुनर्वासि मंत्रालय श्रम विभाग की अधिसूचना संख्या का० आ० 1253 दिनांक 28 मार्च, 1948 द्वारा किसी भी तेल क्षेत्र में सेवा को उक्त अधिनियम के प्रयोजनों के लिए 10 मई, 1984 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (6) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 10 नवम्बर, 1984 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं० एस-11017/6/81-डी-1 (ए)]

श० ह० मु० अय्यर, अवर सचिव

New Delhi, the 21st September, 1984

NOTIFICATION

S.O. 3159.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour and Rehabilitation, Deptt. of Labour S.O. No. 1253 dated the 28th March, 1984 the service in any Oil field to be a public utility service or the purposes of the said Act, for a period of six months, from the 10th May, 1984.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 10th November, 1984.

[No. S-11017/6/81-D.I (A)]

S.H.S. Iyer, Under Secy.

नई दिल्ली, 17 सितम्बर, 1984

का० आ० 3160:—मैसर्स यू० पी० स्टेट टैक्स्टाइल कारपोरेशन लिमिटेड स्विगिंग मिल्स नया गांव छांसा (उत्तर प्रदेश/6740) जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकोण संबंध अधिनियम, 1952 (1952 का 19) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पथक अभिदाय या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप सहबद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञेय हैं;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, उत्तर प्रदेश को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रश्नों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खंड (क) के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अंतरण, निरीक्षण प्रश्नों, का संदाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक, सामूहिक बीमा स्कीम

के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संदाय करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संवेद्य रकम उस रकम से कम है जो कर्मचारी को उस दशा में संवेद्य होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिवत वारिस/नाम निर्देशितों को प्रतिकार के रूप में दोनों रकमों के अन्तर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबंधों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, उत्तर प्रदेश के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की सम्भावना हो, वहां प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का सुक्ति युक्त अवसर देगा।

9. यदि किसी कारणवश स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर, जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है, और पालिसी की व्यपगत हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किए गए किसी व्यतिक्रम की दशा में, उन मृत सदस्यों के नाम निर्देशितियों या विधिवत वारिसों को जो यदि यह छूट न दी गई होती तो उक्त स्कीम के अंतर्गत होते, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के सम्बन्ध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके इकट्ठे नगम निर्देशितियों/विधिवत वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के सात दिन के भीतर सुनिश्चित करेगा।

[सं० एस०-35014/79/84-एफ० पी० जी०]

New Delhi, the 17th September, 1984

S.O. 3160.—Whereas Messrs Uttar Pradesh State Textile Corporation Ltd., Spinning Mills, Nayagaon, Jhansi, Uttar Pradesh (UP/6740) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Uttar Pradesh and maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Uttar Pradesh and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/Legal heirs of the deceased member entitled for it on any case within one month from the receipt of claim complete in all respect".

[No. S-35014(79)/84-FPG]

का० आ० 3161.—मैसर्स यू० पी० स्टेट स्पनिंग मिल्स का०, (नं० 1) लिमिटेड, रायबरेली (यू० पी०/6101) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक् अभिदाय या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप सहबद्ध बीमा स्कीम 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुशेष है;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इसके उपाखण्ड अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को तीन वर्षों की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, उत्तर प्रदेश को ऐसी विवरणियां भेजेगा और

ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खंड (क) के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अंतरण, निरीक्षण प्रभारों का संदाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के भूचना पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक, सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संदत्त करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं जो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुशेष हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो कर्मचारी को उस वृत्ति में संदेय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामानर्देशी को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, उत्तर प्रदेश के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहाँ प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का व्यक्तिगत अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर, जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है, और पालिसी को व्यपगत हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किए गए किसी व्यतिक्रम की दशा में, उन मृत सदस्यों के नामनिर्देशितियों या विधिक वारिसों को जो यदि यह छूट न दी गई होती तो उक्त स्कीम के अंतर्गत होते, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हकदार नाम निर्देशितियों/विधिक वारिसों की बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के सात दिन के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/81/84-एस०एस०-IV]

S.O. 3161.—Whereas Messrs Uttar Pradesh State Spinning Mills Co. (No. 1) Ltd., Rai Bareilly, Uttar Pradesh (UP/6101) (hereinafter referred to as the said establishment) have applied for exemption under sub-section 2A) of Section 17 of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Uttar Pradesh and maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Uttar Pradesh and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominee/Legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respect.

[No. S-35014(81)/84-SS-IV]

का० प्रा० 3162.—मैसर्स उत्तर प्रदेश स्टेट स्पिनिंग मिल कारपोरेशन लिमिटेड, बी-7 सर्वोदय नगर, कानपुर (उत्तर प्रदेश/3913) (जिसे इसमें इसके पश्चात् उक्त स्थापन

कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अभिदाय या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप सहबद्ध बीमा स्कीम 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुजेय हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबंधों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, उत्तर प्रदेश को ऐसी विवरणियां भेजेगा और ऐसे लेखे रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार उक्त अधिनियम की धारा-17 की उपधारा (3क) के खंड (क) के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संघाय, लेखाओं का अंतरण, निरीक्षण प्रभारों आदि का संदाय भी है, होने वाले सभी व्ययों का बहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक, सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संदत्त करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों की उपलब्ध फायदे बढ़ाये जाते हैं तो नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों जो उक्त स्कीम के अधीन अनुजेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो कर्मचारी को उस दशा में संवेद्य होती जब वह उक्त स्कीम के अधीन होता तो नियोजक कर्मचारी के विधिक वारिस/नाम निर्देशिनी को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबंधों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, उत्तर प्रदेश के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो, वहां प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि कारणवश, नियोजक उस नियत तारीख के भीतर जो, भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है, और पालिसी को व्यपगत हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किए गए किसी व्यतिक्रम की दशा में, उन मृत सदस्यों के नाम निर्देशितियों या विधिक वारिसों को जो यदि यह छूट न दी गई होती तो उक्त स्कीम के अंतर्गत होते, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हक्दार, नाम निर्देशितियों/विधिक वारिसों की बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के सात दिन के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/78/84-एफ०पी०जी०]

ए० के० भट्टराई, अवर सचिव

S.O. 3162.—Whereas Messrs Uttar Pradesh Textile Corporation Ltd., B-7, Sarvodaya Nagar, Kanpur (UP/3013) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years:—

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Uttar Pradesh and maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Uttar Pradesh and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium, the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of the sum assured to the nominees/Legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014(78)/84-FPG]

A. K. BHATTARAI, Under Secy.

New Delhi, the 19th September, 1984

S.O. 3163.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the Indian Bank, New Delhi and their workmen, which was received by the Central Government on the 10th September, 1984.

[No. L-12012/45/80-D.II(A)]

N. K. VERMA, Desk Officer

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW
DELHI

I.D. No. 45/81

In the matter of dispute between:

Shri R. P. Arora s/o Sh. Sunder Dass Arora,
Mohalla Marla Bass, P.O. Rajgarh,
District Alwar-301001.

Versus

Indian Bank,
Regional Office : 1/E, Jhandewalan Extn.,
New Delhi-110005.

APPEARANCES:

Sh. D. C. Arvind—for the Management.

Sh. D. K. Hira with the workman.

AWARD

Central Government, Ministry of Labour on 24th March, 1981 vide No. L-12012/45/80-D.II(A) made reference of the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Indian Bank, New Delhi in stepping one annual increment of Sh. R. P. Arvind, Clerk (Shroff) with cumulative effect by way of punishment for his alleged negligence of leaving the safe keys (entrusted to him) in the Bank on 20-4-1976, is justified? If not, to what relief is the employee concerned entitled?"

2. Mr. R. P. Arvind joined Indian Bank as a clerk shroff w.e.f. 13-12-71 and was posted at Delhi Office. He was suspended on 26-8-76 after being given show-cause notice. The charges related to his securing appointment as a Scheduled Caste candidate while he was a person of jullaha community recognised only as backward class in Rajasthan and not as a Scheduled Caste. The other charges related to gossiping with Sh. Hari Mohan Gupta at 10.30

AM on 19-4-76 and his behaving discourteously by remarking "who are you ? Mind your business". The last charge referred to is having left the safe keys entrusted to his personal custody near the table of the Accountant on 20-4-76 at about 5.10 PM and not returning to his office till 5.30 PM and the keys being later entrusted to other shroff and being made over to him next day.

3. Workman submitted his reply dated 4-9-76 and denied the charges. Thereupon he was issued charge-sheet dated 30-9-76. Charge No. 3 related to a gossiping and his alleged discourteous behaviour and charge No. 4 dealt with his leaving the safe keys entrusted to his custody at about 5.10 PM on 20-4-76 near the table of the Accountant. The Enquiry Officer found him guilty on these charges No. 3 and 4 and proposed punishment of stoppage of three increments on charge No. 3 and stoppage of two increments on charge No. 4, but actually the punishment imposed by the disciplinary authority was stoppage of one increment on each of the charges. On appeal the punishment for misbehaviour was reduced in mere warning but the stoppage of one increment with cumulative effect on the charge of negligence in relation to the safe keys was maintained.

4. The workman pleaded that the enquiry against him biased and unfair and against the principles of natural justice and the charges were not proved against him and that even his statement was not recorded in the enquiry and Enquiry Officer deliberately over-ruled his preliminary objections and the findings were based on conjectures and surmises. He pleaded that he be exonerated and all monetary benefits and promotions be restored to him.

5. The Management contested the claim and asserted the bona fides of the Management and the propriety of the Enquiry and the correctness of the findings of the Enquiry Officer against him and pleaded that the punishment given to him was the minimum that was to be awarded under the circumstances.

6. The matter in issue in the reference has been tried and arguments of the parties have been heard.

7. There were three other cases where keys were lost and the workman's grievance is that Harbhajan Lal, Resham Singh and Ram Chander were dealt with leniently and there was harshness in his case alone and that unfair and discriminatory.

8. The Management has explained that in the case of Harbhajan Lal, he was a victim of conspiracy against him and of confidence trick played on him and the Management was satisfied after enquiry that he was a victim rather than a person responsible for loss. Still he was asked to make good loss to the Management even when he was a victim but no punishment was imposed on him.

9. In regard to Resham Singh and Ram Chander the Management's case is that they were travelling and it was a case of pick-pocketing of the keys from their possession and the Management ordered them to pay the expenses of changing of the locks by the bank and administered warning to them. In the case of this workman the Management's plea is that he was given punishment of stoppage of increment because what he did was to leave the keys of the safe near the table of the Accountant. He was up-set for his own conduct in being rough to the Manager and a memo being issued to him to explain his conduct. The upsetting was invited by him by his own conduct and was not the result of provocation by somebody else and for this reason his negligence could not be condoned by the bank completely. In the case of Resham Singh and Ram Chander there was pick-pocketing by some one else and in case of Harbhajan Lal there was a conspiracy against him and he was victim of conspiracy and in the case of all these three persons recoveries were made of amounts involved.

10. The workman in his claim statement raised the question of being a North Indian and being harassed by South Indians in the bank. He also made a complaint of being harassed for union activities but in his cross-examination he admitted that he made no written complaint to anyone about being harassed on account of being North Indian and he made no complaint before issue of charge-sheet about being harassed for Union activities.

11. The workman had made a complaint that his statement was not recorded in the enquiry but the Enquiry proceeding show that the enquiry officer at the end put him a question whether he had anything to say further in the matter and his reply was 'no'. If he had said yes and gave any statement there is no doubt that the Enquiry Officer would have recorded that.

12. The circumstances of this case are rather clear. The case of warning administered to him for being rough with the Manager when he was warned against misbehaviour has not been referred to this Tribunal and must be taken as correct. It is on account of memo issued that the workman appears to have become up-set and left the keys near the table of the Accountant. He was expected to keep the keys on his person and Resham Singh and Ram Chander did so but he failed to keep the keys on his person and he remembered about it only in the evening when he tried to find out the address of the Manager's residence and approached him. There is no lack of bona fides with him the only question is whether the Management is justified in awarding some punishment to him when he left the keys in the bank.

13. I am of the clear opinion that leaving the safe keys in the bank was a case of negligence because the other officers with whom there were other keys could have joined together to cause loss to the bank and for this reason leaving keys in the bank which keys he was duty bound to keep on his person makes R. P. Arora workman guilty of negligence in the performance of his duties.

14. It is because there was no actual loss to the bank and it is because his bona fides were not in dispute, that he was given a minor punishment of stoppage of one increment. The Management cannot be said to be vindictive when they reduced the punishment for his misbehaviour from stoppage of three increments to a mere warning at Appellate stage.

15. All facts considered it is not possible to interfere with the punishment awarded to the workman for his act of keeping the keys near the table of the Accountant at the end of the day. I have no doubt that this is an act of negligence because it could have caused loss to the bank if the other two officers of the bank had conspired together to get these keys for causing loss to the bank.

16. The action of the bank Management appears to be justified and does not call for interference and the workman is not entitled to any relief.

Further ordered that the requisite number of copies of this Award be forwarded to the Central Government for necessary action at their end.

August 31, 1984.

O. P. SINGLA, Presiding Officer

